

## **EXHIBIT A**

February 18, 2015

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT  
MADISON COUNTY  
155 N Main St., Edwardsville, IL 62025  
(618) 296-4464  
madisoncountycircuitclerkIL.org

CASE No. 2015 L 000199

DATE: February 18, 2015

MICHAEL R. EARLENBAUGH

PLAINTIFF

VS.

SHAHRAM GOUDARZI  
1132 STONEMAN AVE  
ALHAMBRA, CA 91801

DEFENDANT

DEFENDANT: SHAHRAM GOUDARZI

You are hereby summoned and required to file an answer in this case, or otherwise file your appearance, in the office of the Madison County Circuit Clerk, within 30 days after service of this summons, exclusive of the day of service. If you fail to do so, a judgment or decree by default may be taken against you for the relief prayed in the complaint.

This summons must be returned by the officer or other person to whom it was given for service, with endorsement thereon of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed.

This summons may not be served later than 30 days after its date.



MARK VON NIDA the Clerk of said Circuit Court and the seal thereof, at Edwardsville, Illinois, this February 18, 2015.

MARK VON NIDA  
CLERK OF THE CIRCUIT COURT

BY: Deputy Clerk  
Deputy Clerk

*[Signature]*

(Plaintiff's attorney or plaintiff if he is not represented by an attorney)

ERIC J. CARLSON  
BYRON CARLSON PETRI & KALB  
411 ST LOUIS ST  
PO BOX 527  
EDWARDSVILLE, IL 62025

Date of Service: \_\_\_\_\_, 20\_\_\_\_.

(To be inserted by officer on the copy left with the defendant or other person)

1 of 2

The Madison County Court makes every effort to comply with accessibility laws and provides reasonable accommodations to persons with disabilities. Hearing, visual and other assistance may be arranged by contacting our Court Disability Coordinator, Teri Picchioldi at 618-296-4884.

EXHIBIT

A

CASE No. 2015 L 000199

STATE OF ILLINOIS }  
MADISON COUNTY } ss.

I, \_\_\_\_\_, Sheriff of said county, have duly served the within summons on the defendant  
\_\_\_\_\_ by leaving a copy thereof with said defendant personally, on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

I have duly served the said summons on the defendant, \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by leaving a copy of  
said summons on said date at his/her usual place of abode with \_\_\_\_\_, a person of the  
family of said \_\_\_\_\_ of the age of 13 years or upwards and by informing such persons with whom  
said summons was left of the contents thereof and by also sending a copy of said summons on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, in a sealed envelope, with postage fully prepaid, addressed to said defendant  
\_\_\_\_\_, at his/her usual place of abode, as stated hereinabove in my return.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Sheriff

Sheriff's Fees

Service.....\$ \_\_\_\_\_

Making Copies.....\$ \_\_\_\_\_

Miles Traveled..\$ \_\_\_\_\_

Cost of mailing copies \$ \_\_\_\_\_

Return.....\$ \_\_\_\_\_

Total.....\$ \_\_\_\_\_

MICHAEL R. EARLENBAUGH

PLAINTIFF

VS.

SHAHRAM GOUDARZI  
1132 STONEMAN AVE  
ALHAMBRA, CA 91801

DEFENDANT

IN THE CIRCUIT COURT FOR THE THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

FILED  
FEB 17 2015  
CLERK OF CIRCUIT COURT #69  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

MICHAEL R. EARLENBAUGH

Plaintiff,

v.

MALIK EXPRESS, LLC,  
BABA EXPRESS GROUP, INC. d/b/a  
SIMRAN TRANSPORT and SHAHRAM  
GOUDARZI,

Defendants.

No. 15-L-

199

COMPLAINT

COUNT 1

(MALIK EXPRESS, LLC and/or BABA EXPRESS GROUP, INC.)

Now comes, MICHAEL R. EARLENBAUGH, and for Count 1, pleading hypothetically and in the alternative pursuant to 735 ILCS 5/2-405(c) and 735 ILCS 5/2-613(b), against the defendants, MALIK EXPRESS, LLC and/or BABA EXPRESS GROUP, INC., d/b/a SIMRAN TRANSPORT states:

1. That the Plaintiff, MICHAEL R. EARLENBAUGH, on or about March 2, 2013, was a resident of Lewiston, Idaho.
2. That at all times relevant hereto, the Defendant, MALIK EXPRESS, LLC, was a California corporation.
3. That at all times relevant hereto, the Defendant, BABA EXPRESS GROUP, INC., d/b/a SIMRAN TRANSPORT, was a California corporation.
4. That at all times relevant herein, SHAHRAM GOUDARZI was acting in the course and scope of his employment as an agent, servant and/or employee of Defendant, MALIK EXPRESS, LLC and/or BABA EXPRESS GROUP, INC., d/b/a SIMRAN TRANSPORT.

5. That on or about March 2, 2013, the Plaintiff, MICHAEL R. EARLENBAUGH, was sleeping in the bunk in the cab of a 2004 Peterbilt owned by his employer, FREIGHTWAYS, INC., at the Flying J truck stop at East Chain of Rocks Road in Pontoon Beach, Madison County, Illinois.

6. That at the time and place aforesaid, SHAHRAM GOUDARZI, acting in the course and scope of his employment as an agent, servant and/or employee of Defendants, MALIK EXPRESS, LLC, and/or BABA EXPRESS GROUP, INC., d/b/a SIMRAN TRANSPORT, operated a 2009 Kenworth tractor with an attached freight trailer in the Flying J truck stop parking lot in Pontoon Beach, Madison County, Illinois.

7. That it then and there became the duty of the Defendants, MALIK EXPRESS, LLC and/or BABA EXPRESS GROUP, INC., d/b/a SIMRAN TRANSPORT, by and through its or their agent, servant, and/or employee, SHAHRAM GOUDARZI, to operate said vehicle with ordinary and reasonable care under the circumstances then and there existing.

8. That in violation of the aforesaid duty, the Defendants, MALIK EXPRESS, LLC, and/or BABA EXPRESS GROUP, INC., d/b/a SIMRAN TRANSPORT, by and through its or their agent, servant, and/or employee, SHAHRAM GOUDARZI, committed one or more of the following negligent acts or omissions:

- a) failed to keep a proper lookout; and/or
- b) failed to keep its vehicle under control; and/or
- c) operated its vehicle at a speed that was greater than reasonable and proper with regard to the circumstances; or
- d) was otherwise negligent.

9. That as a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions, the Defendant, MALIK EXPRESS, LLC, and/or BABA EXPRESS GROUP, INC., d/b/a SIMRAN TRANSPORT a corporation, by and through its agent, servant,

and/or employee, SHAHRAM GOUDARZI, collided with the rear of Plaintiff MICHAEL R. EARLENBAUGH's vehicle, causing Plaintiff to fall from his bunk and suffer and/or incur severe injuries, pain and suffering, medical treatment and expenses, loss of wages, diminished earning capacity, loss of enjoyment of a normal life and disability.

WHEREFORE, Plaintiff, MICHAEL R. EARLENBAUGH, prays this Court to enter a judgment on his behalf and against Defendant, MALIK EXPRESS, LLC, and/or BABA EXPRESS GROUP, INC., d/b/a SIMRAN TRANSPORT, individually and/or jointly and severally, in an amount in excess of \$50,000.00 plus costs of suit and for such other and further relief as this Court deems just and proper.

**COUNT 2**  
(SHAHRAM GOUDARZI)

Now comes, MICHAEL R. EARLENBAUGH, and for Count 2, pleading hypothetically and in the alternative pursuant to 735 ILCS 5/2-405(c) and 735 ILCS 5/2-613(b), against the defendant, SHAHRAM GOUDARZI, states:

1. That the Plaintiff, MICHAEL R. EARLENBAGUH, on or about March 2, 2013, was a resident of Lewiston, Idaho.
2. That at all times relevant hereto, the Defendant, SHAHRAM GOUDARZI, was a resident of Alhambra, California.
3. That on or about March 2, 2013, the Plaintiff, MICHAEL R. EARLENBAUGH, was sleeping in the bunk in the cab of a 2004 Peterbilt owned by his employer, FREIGHTWAYS, INC., at the Flying J truck stop at East Chain of Rocks Road in Pontoon Beach, Madison County, Illinois.
4. That at the time and place aforesaid, SHAHRAM GOUDARZI, acting in the course and scope of his employment as an agent, servant and/or employee of Defendant, MALIK

EXPRESS, LLC, and/or BABA EXPRESS GROUP, INC., d/b/a SIMRAN TRANSPORT a corporation, operated a 2009 Kenworth tractor with a freight trailer in the Flying J truck stop parking lot in Pontoon Beach, Madison County, Illinois.

5. That it then and there became the duty of the Defendant, SHAHRAM GOUDARZI, individually and/or as an agent, servant, and/or employee of MALIK EXPRESS, LLC, and/or BABA EXPRESS GROUP, INC., d/b/a SIMRAN TRANSPORT, to operate his vehicle with ordinary and reasonable care under the circumstances then and there existing.

6. That in violation of the aforesaid duty, the Defendant, SHAHRAM GOUDARZI, individually, and/or as an agent, servant, and/or employee of MALIK EXPRESS, LLC, and/or BABA EXPRESS GROUP, INC., d/b/a SIMRAN TRANSPORT, committed one or more of the following negligent acts or omissions:

- a) failed to keep a proper lookout; and/or
- b) failed to keep his vehicle under control; and/or
- c) operated his vehicle at a speed that was greater than reasonable and proper with regard to the circumstances; or
- d) was otherwise negligent.

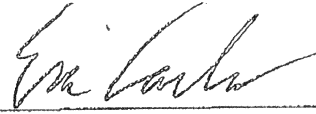
7. That as a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions, the Defendant, SHAHRAM GOUDARZI, collided with the rear of Plaintiff, MICHAEL R. EARLENBAUGH's vehicle, causing Plaintiff to fall from his bunk and suffer and/or incur severe injuries, pain and suffering, medical treatment and expenses, loss of wages, diminished earning capacity, loss of enjoyment of a normal life and disability.

WHEREFORE, Plaintiff, MICHAEL R. EARLENBAUGH, prays this Court to enter a judgment on his behalf and against Defendant, SHAHRAM GOUDARZI, in an amount in excess of \$50,000.00 plus costs of suit and for such other and further relief as this Court deems just and proper.



BYRON, CARLSON, PETRI & KALB, LLC

BY: \_\_\_\_\_



Eric J. Carlson, #06228973  
411 St. Louis Street  
P.O. Box 527  
Edwardsville, IL 62025  
(618) 656-0066  
(618) 655-4004 fax  
ejc@byroncarlson.com

ATTORNEY FOR PLAINTIFF



IN THE CIRCUIT COURT FOR THE THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

**FILED**

**FEB 17 2015**

CLERK OF CIRCUIT COURT #69  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

MICHAEL R. EARLENBAUGH )

Plaintiff, )

v. )

No. 15-L-

MALIK EXPRESS, LLC, )  
BABA EXPRESS GROUP, INC. d/b/a )  
SIMRAN TRANSPORT and SHAHRAM )  
GOUDARZI, )


Defendants. )

**AFFIDAVIT**

COMES NOW Eric J. Carlson, being duly sworn upon his oath, and states to the Court as follows:

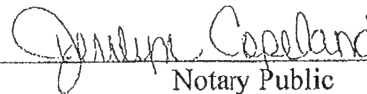
1. That I am one of the attorneys of record for the Plaintiff, MICHAEL R. EARLENBAUGH, and it is my belief that Plaintiff's damages are in excess of \$50,000.00, based upon my investigation to date.

FURTHER AFFIANT SAYETH NOT.

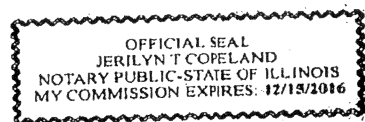


Eric J. Carlson

SUBSCRIBED AND SWORN TO before me this 17<sup>th</sup> day of February, 2015.



Notary Public



Attorney or Party without Attorney:

BYRON CARLSON PETRI & KABLE, LLC

ATTORNEYS AT LAW

411 ST LOUIS STREET P O BOX 527

EDWARDVILLE, IL 62025

MAR 17 2015

Case No: 015L000199

Doc. No: 3331503060067

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT STATE OF CALIFORNIA  
Court: CIRCUIT County: MADISON State: ILLINOIS  
EARLENBAUGH, MICHAEL R VS GOUDARZI, SHAHRAM

AFFIDAVIT OF SERVICE

I certify that RICHARD S. REINAGA  
being first duly sworn, deposes and says: That he is a regularly appointed,  
qualified deputy Sheriff of the said County of Los Angeles, in the State of  
California, and over the age of twenty-one years, not a party to the action  
or related to either party, nor an attorney for a party, nor in any way  
interested in the within named action, and authorized to serve civil process  
SUMMONS AND COMPLAINT

Within the judicial district in which the address specified is situated,  
process is being returned without service for the following reason(s):

LOCATION IS AN APARTMENT BUILDING WITH 15 NUMBERED UNITS. NO ON SITE MANA  
GER OR DIRECTORY

Small Claims Actions:

If Not Found Fees are charged, you should file this notice with the Court  
Clerk before any hearing is held to recover costs incurred.

8. FEE FOR SERVICE: \$ 40.00

NOTARY:

COUNTY CLERK:

TOTAL: \$ 40.00

Deputy RICHARD S. REINAGA

SHERIFF'S OFFICE

11234 E. VALLEY BLVD ROOM 114

EL MONTE, CA 91731

(626) 575-4180

Jim McDonnell, SHERIFF

By: \_\_\_\_\_

Deputy Sheriff

State of California  
County of Los Angeles

On \_\_\_\_\_ before me,  
\_\_\_\_\_  
(Name & Title of Officer)

personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s)  
whose name(s) is/are subscribed to the within instrument and acknowledged  
to me that he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted,  
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of  
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

February 18, 2015

FEB 23 2015

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT  
MADISON COUNTY  
155 N Main St., Edwardsville, IL 62025  
(618) 296-4464  
madisoncountycircuitclerkIL.com

CASE No. 2015 L 000199

DATE: February 18, 2015

MICHAEL R. EARLENBAUGH

PLAINTIFF

VS.

SHAHRAM GOUDARZI  
1132 STONEMAN AVE  
ALHAMBRA, CA 91801

DEFENDANT

DEFENDANT: SHAHRAM GOUDARZI

You are hereby summoned and required to file an answer in this case, or otherwise file your appearance, in the office of the Madison County Circuit Clerk, within 30 days after service of this summons, exclusive of the day of service. If you fail to do so, a judgment or decree by default may be taken against you for the relief prayed in the complaint.

This summons must be returned by the officer or other person to whom it was given for service, with endorsement thereon of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed.

This summons may not be served later than 30 days after its date.



MARK VON NIDA the Clerk of said Circuit Court and the seal thereof, at Edwardsville, Illinois, this February 18, 2015.

MARK VON NIDA  
CLERK OF THE CIRCUIT COURT

BY: *A Bentlage*  
Deputy Clerk

(Plaintiff's attorney or plaintiff if he is not represented by an attorney)

ERIC J. CARLSON  
BYRON CARLSON PETRI & KALB  
411 ST LOUIS ST  
PO BOX 527  
EDWARDSVILLE, IL 62025

Date of Service: \_\_\_\_\_, 20\_\_\_\_.  
(To be inserted by officer on the copy left with the defendant or other person)

**The Madison County Court makes every effort to comply with accessibility laws and provides reasonable accommodations to persons with disabilities. Hearing, visual and other assistance may be arranged by contacting our Court Disability Coordinator, Teri Picchioldi at 618-296-4884.**

SHERIFF'S DEPARTMENT  
CLERK OF THE COURT  
2015 MAR - 6 PM 1:05  
DEPUTY

## **EXHIBIT B**

## Payne, Ron

---

**From:** Eric Carlson <ejc@BCPKLaw.com>  
**Sent:** Friday, June 05, 2015 1:20 PM  
**To:** Payne, Ron; Eric Carlson  
**Cc:** Young, Tim; Christina J. Crook  
**Subject:** Re: Earlenbaugh v. Goudarzi  
**Attachments:** 6. Summons Sharam Goudarzi NON SERV RECV - Earlenbaugh.pdf

Here is the requested summons.

**Eric J. Carlson**  
Byron Carlson Petri & Kalb, LLC  
411 Saint Louis Street  
P.O. Box 527  
Edwardsville, Illinois 62025  
(618) 656-0066  
(618) 655-4004 (fax)  
(618) 920-6709 (mobile)  
[ejc@byroncarlson.com](mailto:ejc@byroncarlson.com)

Please visit us on the web at [www.byroncarlson.com](http://www.byroncarlson.com)

CAUTION: The Missouri Bar requires notification that email is not necessarily a secure method of communication. Email can be intercepted by anyone including an adverse party as it travels through the internet as well as through any network to which a computer may be connected. This includes the computer on which you are now working. Although these risks are not, in our opinion, great, we are required to notify you nonetheless. If you do not consent to the use of email communication, you MUST contact and notify Byron Carlson Petri & Kalb, LLC immediately at 618-656-0066. This email is the confidential work product of Eric J. Carlson. It is protected from interception or unintended use. If you received this email in error, you are required to promptly return it to Eric J. Carlson at [ejc@byroncarlson.com](mailto:ejc@byroncarlson.com). Any reproduction, transmission or use of any kind, other than its return, is strictly prohibited. Thank you.

---

**From:** <Payne>, Ron <[Ron.Payne@lewisbrisbois.com](mailto:Ron.Payne@lewisbrisbois.com)>  
**Date:** Tuesday, June 2, 2015 at 6:30 PM  
**To:** Eric Carlson <[ejc@BCPKLaw.com](mailto:ejc@BCPKLaw.com)>  
**Cc:** "Young, Tim" <[Tim.Young@lewisbrisbois.com](mailto:Tim.Young@lewisbrisbois.com)>  
**Subject:** Earlenbaugh v. Goudarzi

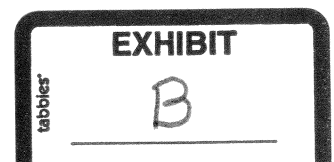
Eric:

We spoke briefly last week regarding this matter after I was assigned this file.

At this time I can confirm that we will be representing Malik Express, LLC and the driver Shahram Goudarzi.

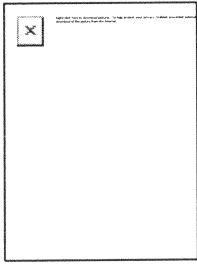
Our records show that Malik Express has already been served with the lawsuit.

At this time, I have Mr. Goudarzi's consent to accept service on his behalf. Please forward your summons for Mr. Goudarzi to my attention. Once I have that I will move forward with pleadings in this matter for both of these defendants.



Contact me if you have any questions.

Ron



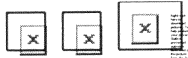
**Ronald W. Payne**

**Partner**

Ron.Payne@lewisbrisbois.com

**550 West Adams Street, Suite 300  
Chicago, IL 60661**

**T: 312.463.3328 F: 312.345.1778**



**Representing clients from coast to coast. View our nationwide locations.**

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